



City of Fort Atkinson
City Clerk/Treasurer's Office
101 N. Main Street
Fort Atkinson, WI 53538

**CITY COUNCIL MEETING
IN PERSON AND VIA ZOOM
TUESDAY, FEBRUARY 7, 2023 – 7:00 PM
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

President Scherer called the meeting to order at 7:00 pm.

2. ROLL CALL

Present: Cm. Becker, Cm. Hartwick, Cm. Johnson, Cm. Schultz and President Scherer. Also present: City Manager, City Clerk/Treasurer, City Attorney, City Engineer, Public Works Superintendent, Water Superintendent and Park & Recreation Director.

3. PUBLIC HEARING – NONE

4. PUBLIC COMMENT:

David Neal, 1113 Maple Street – Spoke on the Farmer's Market and events/entertainment that may be held during the market. He read the mission statement and policies and procedures of the Farmer's Market.

Carrie Kendrick, 12 Krause Avenue – spoke on the Farmer's Market in regard to an entertainer that performed in 2022. She does not support entertainment at the Farmer's Market and is convinced that the Farmer's Market is supported by the City Budget.

John Hausz, 104 Jefferson Street – Concern of defunding of items within the City, specifically a bandshell. He is wondering where corners can be cut to fund the bandshell. He is wondering why holiday lights are on after the holidays and suggested they be turned off and redirect the savings to other items.

Terri Nelson, 213 Sherman Avenue – spoke on an entertainer that performed at the Farmer's Market in 2022. She does support that 'sort of thing' or 'those type of people' performing at the Farmer's Market.

Elliot Larson 415 McMillen Street – spoke against the vacation of 4th Street that is requested to be closed by the Fort Hospital. He requested the street not be vacated by the Hospital to be used as parking and for the street to remain as is.

Jeannie Newbold, 411 McMillen Street – spoke against the vacation of 4th Street. She has concern for property values, traffic flow, lighting, signage, noise, vehicle alarms, safety and security.

Ron Martin, 409 Nadig Drive – thanked Becker and Hartwick for trying to “squell public comment’. He confirmed and understood that the city does not provide funding for the Farmer’s Market. He feels the City is responsible for a past performer at the farmer’s market as it occurred on city property.

Bill Shipley, 101 Sherman Avenue – Was under the impression that the City Council had purview over what transpired at the Chamber of Commerce during the 2022 season. He appreciated the clarification provided by the City Council.

5. CONSENT AGENDA:

- a) Review and possible action relating to the minutes of the January 17, 2023 regular Fort Atkinson City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b) Review and possible action relating to the minutes of the January 18, 2023 Police and Fire Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- c) Review and possible action relating to the minutes of the January 24, 2023 regular Fort Atkinson Plan Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- d) Review and possible action relating to the minutes of the January 31, 2023 License Committee meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- e) Review and possible action on Special Event: Fort Atkinson Generals Baseball Festival Thursday, June 15, 2023 through Sunday, June 18, 2023 at Jones Park, 600 Janesville Avenue (Ebbert, Clerk/Treasurer/Finance Director)*
- f) Review and possible action on Special Event: Fort Atkinson Chamber of Commerce Farmers Market on Saturdays starting May 6 through October 28, 2023 at the parking lot located between South Water Street East and Milwaukee Avenue East, from 6 a.m. to 1 p.m. (Ebbert, Clerk/Treasurer/Finance Director)*

Cm. Johnson moved, seconded by Cm. Hartwick to remove item 5.f. from the consent agenda. Motion carried.

Cm. Becker moved, seconded by Cm. Johnson to approve items 5a through 5e. Motion carried.

5.f.) Review and possible action on Special Event: Fort Atkinson Chamber of Commerce Farmers Market on Saturdays starting May 6 through October 28, 2023 at the parking lot located between South Water Street East and Milwaukee Avenue East, from 6 a.m. to 1 p.m. (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert presented the annual request from the Chamber to host Farmer’s Markets in the parking lot adjacent to Water Street and Milwaukee Avenue. Departments have assisted in the past with dropping off barricades, enforcing the lack of parking during market hours and emptying refuse containers.

Cm. Johnson thanked those in attendance for speaking in support of the Market. He reiterated that the City Council does not schedule or organize entertainers for the Market. Johnson continued and read the revised, updated policies of the Farmer's Market.

Cm. Hartwick added the City Council aims to confirm information and provide clarification.

Cm. Becker moved, seconded by Cm. Schultz to approve the Special Event: Fort Atkinson Chamber of Commerce Farmers Market on Saturdays starting May 6 through October 28, 2023 at the parking lot located between South Water Street East and Milwaukee Avenue East, from 6 a.m. to 1 p.m. Motion carried.

6. PETITIONS, REQUESTS, AND COMMUNICATIONS:

a) Introduction of a Resolution Discontinuing a Portion of North 4th Street between McMillen Street and Armenia Street, City of Fort Atkinson, Jefferson County, and action to set a Public Hearing for March 21, 2023 (Selle, City Engineer/Director of Public Works)

Engineer Selle introduced the request submitted by Fort Healthcare to consider the discontinuance of the right of way of N 4th St between Armenia St and McMillen St. Fort Healthcare has purchased the four homes abutting the section of N 4th St that is requested to be considered for discontinuance. The discontinuance would allow Fort Healthcare to extend their parking area to the north and maintain a buffer to existing homes that would remain. The statute defines affected abutting parcel owners as those within 2,650 feet of the ends of the right of way to be considered for discontinuance. This represents 63 parcel owners, of which 7 are owned by Fort Healthcare. Should one-third of those parcel owners file a written objection to the discontinuance, the Council must pass the resolution with a 4/5 majority in order to proceed. If such objections are not received, the resolution may pass by a simple 3/5 majority.

Cm. Johnson moved, seconded by Cm. Becker to set a Public Hearing for the Resolution Discontinuing a Portion of North 4th Street between McMillen Street and Armenia Street for March 21, 2023. Motion carried.

7. RESOLUTIONS AND ORDINANCES

a) Review and possible action relating to a Resolution adopting the 2023-2028 City of Fort Atkinson Comprehensive Outdoor Recreation Plan (Franseen, Parks and Recreation Director)
Park and Recreation Director Franseen provided background on the Comprehensive Outdoor Recreation Plan (CORP) as a planning document that sets goals unique to Fort Atkinson's Parks and Recreation Program. This planning document provides an inventory of existing park and recreational facilities; an analysis of parkland and recreation needs and demands; demographic trends; recommendations for improving existing parks, bicycle, and pedestrian facilities; and implementation strategies. MSA Representative Emily Soderberg presented the plan focusing on areas of improvement and growth.

Cm. Hartwick moved, seconded by Cm. Schultz to approve the resolution adopting the 2023-2028 City of Fort Atkinson Comprehensive Outdoor Recreation Plan. Motion carried.

b) Review and possible action relating to a Resolution Amending the 2022 Budget to Reallocate Funds from Tax Incremental District #7 to Tax Incremental District #6 (LeMire, City Manager)
Manager LeMire discussed the closing of TID #7 and the lapse of the expenditure project. The approved 2023 budget included an amendment to transfer funds between TID #7 and TID #6.

Cm. Becker moved, seconded by Cm. Johnson to approve the resolution amending the 2022 Budget to Reallocate Funds from Tax Incremental District #7 to Tax Incremental District #6 in the amount of \$207,264.74. Motion carried.

8. REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:

a) City Manager's Report (LeMire, City Manager)

No action required.

9. UNFINISHED BUSINESS – NONE

10. NEW BUSINESS:

a) Review and possible action relating to revisions to the City of Fort Atkinson Employee Handbook (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert discussed how the Employee Handbook is a vital tool that provides employees with the policies and programs that affect their employment. Staff reviews the handbook annually to identify needed or desired revisions. In August 2017, staff partnered with Boardman Clark to review the existing policies in relation to legal standards. Then, in July of 2019, the City began a membership with MRA, a Human Resource firm to new employee practices, including workplace accommodations, contagious diseases and pandemics, remote work, and FMLA.

The City Council last approved any revisions to the Employee Handbook in December 2021. In 2022, Staff tracked changes or revisions to reflect existing practices and provide clarification. In the fall of 2022, a Handbook Committee made up of 8 employees from various departments and levels of the organization met with the goal of making make recommendations or suggestions to the Management Team for handbook revisions. The Management Team met in person on November 16th to review the Committee suggestions and further review was performed by Manager LeMire and I. The finance committee January 10th with discussion and recommended approval to the City Council.

Cm. Becker moved, seconded by Cm. Hartwick to approve the 2023 revisions to the City of Fort Atkinson Employee Handbook. Motion carried.

b) Review and possible action relating to an Amended Rural Ambulance Agreement between the City of Fort Atkinson and the Town of Koshkonong (LeMire, City Manager)

Manager LeMire reviewed the Council action on December 20th to approve the contracts with the surrounding townships for emergency services beginning January 1st, 2023. This amendment was requested by the Town of Koshkonong.

Cm. Hartwick moved, seconded by Cm. Schultz to approve the Amended Rural Ambulance Agreement between the City of Fort Atkinson and the Town of Koshkonong. Motion carried.

c) Review and possible action relating to Alcohol Beverage License Agent Change Kwik Trip #439, 1565 Madison Avenue (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert presented the request from Kwik Trip for an agent change. Agents for businesses can be owners or managers that oversee general operations of the business. A background check was successful and the \$10 agent fee was paid.

Cm. Becker moved, seconded by Cm. Schultz to approve the Alcohol Beverage License Agent Change Kwik Trip #439, 1565 Madison Avenue as recommended by the License Committee. Motion carried.

d) Review and possible action relating to Alcohol Beverage License application for Sarahndipity Salon, LLC for the licensing period of February 8, 2023 to June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert reviewed the submission from Sarahndipity Salon, LLC, for a "Class A" Intoxicating Liquor for use at 121 N. Main Street. This location currently operates as a salon and boutique. This license is available following the closure of Humphrey Floral & Gifts in December 2022. Mr. Humphrey surrendered his license upon closing. Ms. McKinney provided a letter outlining her business model and the reason for her application to sell Intoxicating Liquor. All necessary documentation was submitted along with a successful background check.

Cm. Schultz moved, seconded by Cm. Johnson to approve the Alcohol Beverage License application for Sarahndipity Salon, LLC for the licensing period of February 8, 2023 to June 30, 2023 as recommended by the License Committee. Motion carried.

e) Review and possible action on the purchase of Two Single Axle Plow Trucks for the Department of Public Works in an amount not to exceed \$420,466 (Williamson, Public Works Superintendent)

Superintendent Williamson reviewed the City Council approved the purchase of two single axle plow trucks, from Kayser Ford in Madison, at the March 1, 2022 regular meeting. Due to the economic slowdown, supply chain issues, manufacturer inability to complete orders, and poor supplier communication the Public Works Department was unable to complete the purchase. Due to the supply chain complications of the last couple years, heavy duty equipment manufacturers have been forced to close order books and/or never open order opportunities to lock in purchases. Recall from the May 3, 2022 memo relating to the purchase of the Fire Rescue Unit that the City borrowed \$420,000 for the purpose of purchasing the vehicle and equipment, but only roughly \$290,000 will be needed for the City's portion. Per the terms of the NAN, the City can spend the excess funds on other projects and purchases included in the borrowing, such as plow trucks.

Cm. Becker moved, seconded by Cm. Hartwick to authorize the purchase of Two Single Axle Plow Trucks for the Department of Public Works in an amount not to exceed \$420,466. Motion carried.

f) Review and possible action on the purchase of Wheel Loader Repair Parts for the Department of Public Works in an amount not to exceed \$17,400.50 (Williamson, Public Works Superintendent)

Superintendent Williamson stated how the DPW is in need of parts to repair Fleet 43 – Wheel Loader. This piece of equipment is vital to the winter snow removal operations of the

Department and due to a catastrophic failure, is in need of immediate repair. During the most recent snow removal operation in the downtown area, the rear driver's side break setup and hub assembly failed and needs to be completely rebuilt. Miller – Bradford & Risberg Inc, the supplier, has worked with the Department staff to identify the repair parts required to complete the job properly and provided a materials cost proposal. The approved 2023 Public Works budget includes \$83,000 in account 01-54-5411-0600 for the repair and maintenance of fleet equipment.

Cm. Becker moved, seconded by Cm. Johnson I move to authorize the purchase of Wheel Loader Repair Parts for the Department of Public Works in an amount not to exceed \$17,400.50. Motion carried.

g) Review and possible action relating to the purchase of an After Hours Alarm Notification Replacement for the Water Utility at a cost of not more than \$8,043 (Armstrong, Water Utility Superintendent)

Superintendent Armstrong presented The Water Utility uses a program for after-hours alarm notifications and emergency callouts. The program "WIN911" receives a signal from the Utility's SCADA (supervisor control and data acquisition) computer. WIN911 will then dial a call to the on-call Water Utility Employee, alerting them of a problem in the water system. The 2023 CIP includes funding for the SCADA upgrade to the Exele's Top-View Alarm Notification.

Cm. Hartwick moved, seconded by Cm. Johnson to authorize the purchase of an After Hours Alarm Notification Replacement for the Water Utility at a cost of not more than \$8,043. Motion carried.

11. MISCELLANEOUS – NONE

12. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:

a) Review and possible action relating to disallow claim against the City of Fort Atkinson (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert discussed the recommendation from the insurance carrier, League of Wisconsin Municipalities Insurance and Attorney Joseph M. Wirth to recommended the City Council disallow the claim pursuant to Wis. Stat. 893.80 (1)(g).

Cm. Becker moved, seconded by Cm. Johnson to disallow the claim against the City of Fort Atkinson. Motion carried.

b) Review and possible action relating to the Verified Claims presented by the Director of Finance and authorization of payment (Ebbert, Clerk/Treasurer/Finance Director)

Cm. Hartwick moved, seconded by Cm. Becker to approve the Verified Claims as presented. Motion carried.

13. THE CITY COUNCIL MAY CONSIDER A MOTION TO CONVENE IN CLOSED SESSION PURSUANT TO STATE STAT. §19.85(1)(E) TO CONDUCT OTHER SPECIFIED PUBLIC BUSINESS WHERE COMPETITIVE REASONS REQUIRE A CLOSED SESSION [TO NEGOTIATE AN AMENDMENT TO THE PURCHASE AND SALE AGREEMENT WITH 2L LOEB LLC]

Cm. Hartwick moved, seconded by Cm. Johnson to adjourn into closed session pursuant to State Stat. §19.85(1)(e) to conduct other specified public business where competitive reasons require a closed session to negotiate an amendment to the Purchase and Sale Agreement with 2L Loeb LLC. Motion carried.

Cm. Hartwick moved, seconded by Cm. Becker to adjourn the closed session and return to open session at 9:00 pm. Motion carried.

14. THE CITY COUNCIL MAY RETURN TO OPEN SESSION AND MAY TAKE ACTION RELATING TO AN AMENDMENT TO THE PURCHASE AND SALE AGREEMENT WITH 2L LOEB LLC (SELLE, CITY ENGINEER/PUBLIC WORKS DIRECTOR)

Cm. Becker moved, seconded by Cm. Johnson to approve the amendment to the Purchase and Sale Agreement with 2L Loeb LLC. Motion carried.

15. ADJOURNMENT

Cm. Hartwick moved, seconded by Cm. Becker to adjourn. Meeting adjourned at 9:03 pm.

Respectfully submitted,
Michelle Ebbert
City Clerk/Treasurer/Finance Director